



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SE-5J

March 30, 2010

Steve Garbaciak, Jr. P.E.
Vice-President
ARCADIS
30 West Monroe, Suite 1710
Chicago, Illinois 60603-2404

Re: Notice of Completion of Work pursuant to Section XXVIII of Order No. V-W-07-C-863 for the Allied Paper/Portage Creek/Kalamazoo River Superfund Site, Allegan and Kalamazoo Counties, Michigan

Dear Mr. Garbaciak:

On February 21, 2007, the United States Environmental Protection Agency (U.S. EPA), along with the State of Michigan, entered into an Administrative Settlement Agreement and Order on Consent for Removal (Docket No. V-W-07-863) (Settlement Agreement) with Georgia-Pacific LLC (GP) and Millennium Holdings, LLC (MHLLC), pursuant to which GP and MHLLC agreed to conduct a time-critical removal action (TCRA) in the former Plainwell Impoundment area of the Allied Paper/Portage Creek/Kalamazoo River Superfund Site (Site). The Settlement Agreement addressed threats to public health, welfare, and the environment presented by the presence of an uncontrolled release of polychlorinated biphenyls (PCBs) into the food chain of the Kalamazoo River from in-stream sediments, riverbank soils, and floodplain soils located within the Plainwell Impoundment. The specific removal activities required by the Settlement Agreement and completed by the Respondents are detailed below. This letter represents U.S. EPA's Notice of Completion of Work pursuant to Section XXVIII of the Settlement Agreement.*

In February 2007, ARCADIS, on behalf of GP and MHLLC, submitted the Former Plainwell Impoundment Time-Critical Removal Action Design Report (Design Report) to U.S. EPA. The Design Report described the response work to be performed by GP and MHLLC under the terms of the Settlement Agreement. U.S. EPA approved the Design Report on February 14, 2007.

* Terms defined in the Settlement Agreement generally have not been redefined in this letter, but continue to have the meaning ascribed to them in the Settlement Agreement.

In April 2007, ARCADIS submitted a Multi-Area Quality Assurance Project Plan (QAPP) for the Site. The Multi-Area QAPP addressed environmental monitoring to be conducted under the Supplemental Remedial Investigation and Feasibility Study Administrative Order on Consent, as well as under the Settlement Agreement for the TCRA at the former Plainwell Impoundment. On May 23, 2007, U.S. EPA approved the Multi-Area QAPP.

On January 30, 2008, U.S. EPA formally modified the Settlement Agreement to reflect certain agreements made among the parties after its effective date. These modifications included: (1) redesignation of waste disposal locations; and (2) an increase in the amount of funding that would be reimbursed to Georgia-Pacific LLC and Millennium Holdings, LLC from U.S. EPA's special account. With regard to the waste disposal locations, the parties agreed that all waste material would be disposed of off-site in accordance with federal PCB regulations at 40 C.F.R. § 761.61.

The TCRA was conducted between May 2007 and June 2009. Phase 1 construction activities occurred between May 2007 and January 2008; Phase 2 construction activities occurred between March 2008 and June 2009. Removal activities were suspended for the winter in February 2008.

On June 26, 2009, U.S. EPA, Michigan Department of Environmental Quality (MDEQ), and Michigan Department of Natural Resources (MDNR) met at the Plainwell Impoundment area to perform a site walk through to verify the completion of removal activities, inspect an eroding bank area associated with Removal Areas 8 and 9B, and to discuss future bank monitoring.

In August 2009, ARCADIS submitted a draft Final Construction Completion Report (CCR) for the Former Plainwell Impoundment TCRA as required by Section VIII of the Settlement Agreement. The CCR summarized the actions taken to comply with the Settlement Agreement. The U.S. EPA submitted comments to ARCADIS on December 22, 2009. These comments incorporated comments in letters U.S. EPA received from MDEQ and from the United States Fish and Wildlife Services (USFWS) on behalf of the natural resource trustees. On January 14, 2010, ARCADIS submitted a revised CCR. U.S. EPA approved the revised CCR on February 19, 2010.

U.S. EPA, in consultation with the MDEQ and MDNR, and based on the Agency's oversight of the Respondents' activities, review of the final CCR, and the Agency's final inspection of the Plainwell Impoundment on June 26, 2009, has determined that all work has been fully performed in accordance with the Settlement Agreement, with the exception of any continuing obligations required by the Settlement Agreement, including, *e.g.*, post-removal site controls, payment of Future Response Costs and State Future Response Costs, and record retention. Work completed under the Settlement Agreement included the following:

- 1) removal of portions of the Plainwell Dam in accordance with the Work Plan;

- 2) excavation and/or dredging of submerged sediments, river banks and floodplain soils in the Plainwell Impoundment Area in accordance with the performance standards and at the locations specified in the Action Memorandum and the Work Plan;
- 3) cut-back and stabilization of river banks;
- 4) waste material disposal
 - a. all sediments were designated and segregated as TSCA and non-TSCA waste using the methodology approved by U.S. EPA in connection with response actions at the Lower Fox River site in Wisconsin, as described in the 2007 Pre-Final Design Report and Remedial Action Work Plan, dated March, 2007;
 - b. all Waste Material with PCB concentrations equal to or greater than 50 mg/kg PCB were transported off-site to a chemical waste landfill that is in compliance with all state and federal regulatory requirements;
 - c. all Waste Material with PCB concentrations less than 50 mg/kg were transported off-site and disposed in an appropriately licensed and permitted commercial landfill;
- 5) re-vegetation of excavated floodplain areas, as specified in the Work Plan; and
- 6) monitoring during the implementation of the Work.

This Notice of Completion of Work does not release the Respondents, or either of them, from any potential future obligations to perform additional work to address the same or other conditions at the Plainwell Impoundment Area or the Site. Similarly, this Notice of Completion of Work does not release Respondents, or either of them, from any requirement regarding record keeping, monitoring, or payment of Future Response Costs, from penalties for any violation of the Settlement Agreement, or from any other obligation that extends beyond the date of this notice.

Please contact me at (312) 353-8360 or Leslie Kirby-Miles, Office of Regional Counsel, at (312) 353-9443 if you have any questions or comments regarding this letter.

Sincerely,



Sam Borries
On-Scene Coordinator

cc: Mike Ribordy, U.S. EPA
Jim Saric, U.S. EPA
Leslie Kirby-Miles, U.S. EPA
Paul Buckholtz, Michigan DNRE
Sharon Hanshue, Michigan DNRE
Lisa Williams, USFWS
Todd Goeks, NOAA